

MINUTES

CANFIELD CITY COUNCIL REGULAR MEETING SEPTEMBER 1, 2021-5:30 P.M.

The meeting was called to order by Mr. Morvay, President of Council, followed by the Pledge of Allegiance. The Clerk called the roll to which a quorum responded as follows: Mr. Duffett, Mr. Morvay, Mr. Nacarato and Mr. Tieche.

Absent: Mr. Neff. *Mr. Neff entered the meeting at 5:47 P.M.

Staff present: Charles Colucci, Chief of Police; Christine Stack-Clayton, Finance Director, Mike Cook, Zoning Inspector and John Rapp, Public Works Superintendent.

Under **PROCLAMATIONS & PRESENTATIONS**, there were none.

Under **MINUTES**, the Minutes of the Regular Meeting on August 18, 2021 were approved as presented.

Under **READING OF COMMUNICATIONS**:

MR. TIECHE: I have no communications

MR. DUFFETT: I have none.

MR. NACARATO: I have none.

MR. MORVAY: I don't believe I have any either. Wade, anything?

MR. CALHOUN: I have none.

Under **Reports of Committees, Boards, Mayor's Report, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Superintendent**.

MR. TIECHE: Our Parks Board meeting is this coming Tuesday. I will have a report after that.

MR. DUFFETT: I have none.

MR. NACARATO: Design Review meets next Tuesday evening. I'll have a report following that.

MR. MORVAY: The Fire District continues to operate. We're geared up for the Fair. I know we have support help, up there. All the inspections have been done. We're covered. Things are

going along quite well right now. COVID transports are up. That has increased over the last 5 or 6 weeks. That's really all I have to report.

PUBLIC WORKS SUPERINTENDENT: Good evening. Our annual hydrant flushing will begin on September 7th. Be aware there may be some low pressure in some areas and maybe a little bit of discolored water. Nothing to be concerned about. It will approximately take one month to complete all the hydrants in the city. We are currently prepping leaf trucks. Leaves are starting to fall. We anticipate to start that, October 4th. We are beginning a storm drain replace on Lakeview Circle, a couple hundred feet of that and miscellaneous storm drain repairs throughout the city. We're about finished up right now before we get into leaf season. That's all I have.

MR. MORVAY: Just one question John, that lead sample that we sent out, is there anything to report on that?

PUBLIC WORKS SUPERINTENDENT: It came back below the detectable limit. It did register a little bit but we weren't above the threshold that the EPA was concerned about. So, no violation on that. We just had to do a repeat and then report back to the EPA and they were happy with our findings. The resident collected it off of a water softening system; which you're not supposed to do. You're supposed to remove your screens and they didn't do that either.

MR. MORVAY: I see.

PUBLIC WORKS SUPERINTENDENT: The second sample came back good.

FINANCE DIRECTOR: The cash basis fund summary year- to- date through July and the July check register were posted to the website this afternoon. The audit report from the Millennial Moments JEDD is going to be released tomorrow, that's for 2019 and 2020. I'm going to start working on the assessment for delinquent utilities, lawn mowing and nuisance abatements, that's going to be placed on the real estate tax bills next year. Finally, Mr. McLain's has been refunded the money from his insurance carrier that was being held in escrow from his demolition.

MR. MORVAY: Great, thank you Christine. Mr. Cook.

ZONING INSPECTOR: For the month of August, we issued 37 permits for a total valuation of \$783,462.00. I received drawings today for a new house on Charleston Court. That will be our 5th new build this year. We've only had 8 in the last 4 years. We're doing very good this year on that. Canfield Storage, I stopped on my way home and they put 2 of their 3 storage buildings up. It looks pretty nice out there. It's all fenced. He should hopefully be completed in the next 2 weeks and open for business. 280 Lisbon is up for Sheriff Sale. Christine notified me this week about it. It did not sell this week. It will be going back again. Joe Testa, a local resident will be looking into that, also, purchasing the property. That's all I have.

CHIEF OF POLICE: Thank you. I was not here in June and July and then I forgot to mention this at the last Council meeting, I'd be remiss if I didn't mention it. Hat's off to our city, our police department and our officers who work within those walls and the dispatchers. I'm pretty sure, Wade might have mentioned this but obviously one of the main focuses right now it that commitment to reconnect with our communities. The State of Ohio has chosen a way to recognize certain departments that meet certain qualifications and criteria, and they award an agency of the month for community-oriented policing. This is throughout the entire state and in July our department was named the community-oriented policing department of the month, for the State of Ohio. We received a check for \$200.00. The recognition goes back to, not just the police department but all of you. Everyone in this room, our dispatchers, we all work together well, we have a strong connection with our community. That criteria was met from the police on down the line. Hat's off to everyone in the city and our community for us being able to work together so well. We look forward to continuing that. I'm super proud of our department for accomplishing this goal.

Obviously, as you mentioned President Morvay, the Fair is going on, our responsibility is primarily outside traffic. We work together with the Highway Patrol and Sheriff's Department to keep traffic flowing around the City of Canfield. I do my stops at every gate this morning to make sure we're all still on the same page. We're doing good on that, it looks like. We expect high numbers this weekend. I know that the parking is wet, after the last few weeks of rain. There are quite a few areas closed off inside the Fairgrounds for parking. We don't know that it will dry for the week, so we'll be keeping an eye. We got NO PARKING signs posted up around the city.

Real quick, a few cases to bring you up-to-date. August 8th, we had a person that rents on Fairground Blvd. file a complaint of sexual assault. Our detectives were called out in the middle of the night and they did a fantastic job tracking down the suspect who was working at the Italian Fest in Youngstown. He was a transient. He would have been gone. Did I mention this before?

MR. CALHOUN: You told me.

CHIEF OF POLICE: At the staff meeting, I didn't want to be redundant. He's transient. He would have been gone at another Fair or Festival. Our guys were at the Italian Fest, they were able to identify him, interview him, arrest him and he is currently at the Mahoning County jail. The Grand Jury will be hearing the case in a couple of weeks. Also, we have reports of phony money being passed in the area, like Fairway Ford, J.R. Grinders, Sunoco. It looked good. They scratched out the fake money part and they were able to get a few tellers to accept it, or clerks, cashiers. It turned out to be local juveniles, we've been working together with their families, we know who they are, we have all the counterfeit money. They ordered it online. It can happen easy. That fake money is off the streets for now.

We had a 15 years old runaway this week. You probably heard it on the news. The township also had a runaway last week. They were not connected. We were able to find her within a day. She is back home and safe. They were reunited that night.

We talk about it all the time, we've talked about it for years, for years fraud and scams. The latest one we have is a person contacted one of our residents, said they were a police officer from Columbiana and that this person had failed to show up for court appearances and they owed the court \$3,000. It just so happened, this person, a former employee of the Canfield Schools dealt with diversion programs on the juvenile court level, so she felt that maybe she did miss a court date. They were able to talk her into direct depositing \$3,000 in her account and PNC Bank in Canfield. Money was deposited. It was unique because there was no deposit slip, all they needed was the account number and PNC took the money. While she was doing that, our victim was on the phone with the suspect and they were giving her the pin number and the account number. The money was deposited. We are waiting on PNC Bank. It's been 2 days. That's long. So, we're probably going to have to get a subpoena to get the information of who the person was but the point is there are more scams, this was a new one. I hadn't heard of this one. If anybody asks, we'll continue to put it out there on social media. Don't fall for any of it. Hang up immediately. Slam the door in their face, whatever it takes. That's it.

MR. MORVAY: That's unreal about that fake money, that someone would go to, now what's the address? (Laughter)

CHIEF OF POLICE: There was a stack of \$20's this big. He probably went through 30 of them. He had a system, a process of wrinkling them, wetting them, drying them, to make them look worn.

CLERK OF COUNCIL: No report this evening.

MR. CALHOUN: Mark and I will be sitting down with the Youngstown Water Department on the 21st, to begin the finalization of the Amendments to the Youngstown Water Agreement with the City of Canfield.

Road resurfacing was completed last week. We completed all three of the school related streets, prior to the start of school. The contractor was able to complete the remaining streets within the last week. We are all finished with street resurfacing this year and I've already submitted our OPWC Application for next year to accomplish our street resurfacing program.

Additionally, I mentioned before about this House Bill 168 the Invest in American Act Funds, that targets infrastructure project throughout the State of Ohio, those are sort of prioritized at the County Engineer level but all applications, submission and selection go through the Ohio Development Agency and there are various other agencies involved. The three projects that we submitted go to the Ohio Development Agency. Those three projects we submitted, Red Gate Sanitary Phase II, scored number 5 on the Mahoning County priority list, that bodes us well, submitting to the State having a highly recommended project from the county level. Red Gate

Sanitary Phase III, didn't score as high, but again still made the list of the 15 projects that Mahoning County Engineer's submitted. So, we submitted both of those projects for the grant funds of House Bill 168 and then additional our sanitary sewer interceptor rehab project that we've been targeting to address some I & I issue that we may have in the city. That's all I have for reports. For each agenda item I can provide more information as we get to those.

ATTY. FORTUNATO: Let me just address the 3 Charter Amendment Ordinances that you have on your agenda. Our Charter provides under section 11.03 that amendments to the Charter are governed by Article 18, Section 9 of the Constitution. When you review Article 18, Section 9 of the Constitution, upon the proper filing of petitions, the required number of signatures, you have a legislative duty to submit it to the electors. Whether you agree with the petitions, whether you advocate or don't advocate the changes to the Charter. Article 18, Section 9 of the Ohio Constitution makes it clear, that you shall submit these to the electors. In my opinion, you need to approve these tonight, vote for their passage and submit them to the electorate at which point you are free to advocate, state your positions, educate the community, in terms of how you feel about that. Your duty tonight, as the legislative body of the City of Canfield is indisputable. You shall submit these to the electorate.

MR. MORVAY: Mark, let me ask you a question.

ATTY. FORTUNATO: Sure.

MR. MORVAY: I understand that it's our duty to get these onto the ballot.

ATTY. FORTUNATO: Right.

MR. MORVAY: As a councilman, as a citizen, I don't have to endorse them?

ATTY. FORTUNATO: You do not.

MR. MORVAY: Can I be public about my opinion?

ATTY. FORTUNATO: Sure. You can express your personal opinion to whomever you want to express it to.

MR. MORVAY: Thank you.

ATTY. FORTUNATO: You can inform everybody that these are not initiated by the city. Charter Amendments can happen in 3 ways. Council can initiate a charter amendment; the Charter Review Commission can initiate a charter amendment and individuals can by submitting petitions; which was the case this time. These are not initiative or referendum, with required different processes and different requirements. I know some people confused this with the sections of Article 9 of our charter. This is not that. We have a specific section of our charter

that speaks to amendments and it's one sentence long. It says, basically, see Article 18, Section 9 of the Ohio Constitution. That requires you to submit these to the electorate.

MR. MORVAY: Okay. I'm sure we'll have more discussion as we get into the individual amendments.

ATTY. FORTUNATO: That's for all 3 of them. That's all I have to say. If you have any questions. That same duty is imposed upon you for New Business, Items A, B and C.

MR. MORVAY: Thank you.

Under Public Questions Regarding Reports.

CHRISTINE OLIVER: Christine Oliver, 50 Oak Tree Drive. My question is, do I address Council in response to Mark's report or do I wait until after you say what those initiatives are?

MR. MORVAY: Are they for these 3 Ordinances?

CHRISTINE OLIVER: Yes.

MR. MORVAY: Why don't you hold your comments until we get there and I'll ask for public comments.

CHRISTINE OLIVER: Because it's to address all 3 in combination at the same time, are you going to go through each one and then I come up and say what I want to say or do I do it after the first one?

MR. MORVAY: You can just

ATTY. FORTUNATO: I think that would be best.

CHRISTINE OLIVER: Thank you.

Under Recognition of Persons Desiring to Appear Before Council:

MR. MORVAY: Frank, anything?

MR. MICCHIA: Good evening gentlemen, it's nice to be here.

MR. MORVAY: I have nobody on my list, so we'll move on to Old Business.

Under OLD BUSINESS, we have none.

Under NEW BUSINESS:

ITEM A: An Ordinance Providing that a Charter Amendment Shall be Submitted to the Electors of the City of Canfield for Adoption or Rejection at the Regular Municipal Election to be held on November 2, 2021, Pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio. (Section 3.01)

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Ordinance and Authorize Adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Ordinance and authorize reading by title only.

MR. NEFF: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. TIECHE: Mr. President, I have an Ordinance providing that a Charter Amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular municipal election to be held on November 2, 2021, Pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio. (Section 3.01).

MR. NEFF: Second.

MR. MORVAY: Wade, do you want to brief us on this, please.

MR. CALHOUN: At the June 2nd City Council Meeting, Mr. Mark Brooks from Nashville, Tennessee, representing the Utility Works Union of America (UWUA) appeared before Council to inform us that they, (UWUA) will be circulating petitions over the summer to placed proposed amendments on the ballot that changes council terms from the current 4 years to 2 years. Subsequently, in communications with Law Director, Mark Fortunato and the City, we received a letter from Mr. Brooks with the UWUA requesting advisement on any perceived technical or legal issues with two proposed Charter Amendments being initiated by the UWUA. During the week of August 9th through August 16th a Mr. Chris Hughes from Columbus, Ohio circulated a petition throughout certain areas of the City of Canfield. On August 18th, Mr. Mark

Brooks with the UWUA delivered 3 initiative petitions containing a cover letter signed by city resident, Matthew Warren and signature pages from the qualified electors of the City of Canfield to Council Clerk, Patty Bernat. Those petitions were held for the statutory requirement of 10 days to allow for public inspection. On this past Monday, August 30th, the original petitions were submitted to the Mahoning County Board of Elections for the validation for the required number of signatures for the proposed charter amendments. The Mahoning County Board of Elections have validated that a sufficient number of signatures have been obtained to place the following proposed charter amendment on the City of Canfield for the November 2, General Election ballot. The first initiative, so second paragraph of Charter Section 3.01 of the City of Canfield shall be amended. I'm not going to read it verbatim but, in a synopsis, in the General Election beginning 2023, all council members elected during that election will serve a 2-year term with a maximum of 4 consecutive terms. As Mark mentioned pursuant to our Canfield Charter, Section 11.02 and Article 18, Section 9 of the Ohio Constitution it requires those amendments to be submitted to the electors for the required vote. This Ordinance provides for the preceding cited Charter Amendments to be submitted to the electors of the City of Canfield for either rejection or adoption during the next Municipal Election that is being held on November 2, 2021.

MR. MORVAY: My understanding is that they needed 10% of the active voters from the last election. So, it amounted to 162 signatures that they needed to get this on the ballot. The issue that I have with these Ordinances, this one and the next two, is that this was initiated by a union and not a resident of the city. This was not an initiative of the City. Frank, what you did as a citizen, good, bad or indifferent, I can.... it's the truth. Then we have somebody coming in from out of our city to initiate these Ordinances and that's where I have a difference of opinion.

MR. TIECHE: Of the members of the Union, how many of them are residents of the city?

MR. CALHOUN: Of the Public Works Employees.....

MR. TIECHE: Not the Public Works employees, the members of the Utility Union?

MR. CALHOUN: None.

MR. TIECHE: So, we have a representative that doesn't represent any employee of the City submitting a change in the Charter.

ATTY. FORTUNATO: Any resident of the city. You said, any employee of the city.

MR. TIECHE: Okay, I'm sorry. Any resident of the City. Thank you.

MR. NACARATO: The union, how are they connected with the City?

ATTY. FORTUNATO: They don't have to be connected with the City to propose a Charter Amendment. If it's an initiative or referendum, they need to be a citizen. That's not the case with the Charter Amendments.

MR. TIECHE: That sort of seems like somebody from Columbiana can come in and decide they're going to change our Charter.

ATTY. FORTUNATO: Or Nashville.

MR. MORVAY: Wade, I know the answer to this but coming from you, we were in negotiations with the Utility Workers.

MR. CALHOUN: Correct. The history between the Public Works Employees and the City of Canfield and the UWUA so, the Public Works employees filed for exclusive representation for the purposes of collective bargaining in December of 2018. The selective representation was the UWUA. So, the City of Canfield and the UWUA engaged in collective bargaining basically from the period of February 2020 through August 2020. The parties could not reach an agreement and subsequently participated in mediation in November of 2020. Again, couldn't finalize the few outstanding articles during mediation. So, in January of 2021, the UWUA requested a fact finder hearing in front of the State Employee Relations Board, provided by the State Employee Relations Board. The Fact Finder hearing was conducted in March of 2021. The Fact Finder's Report was issued in April of 2021. As Council recalls, at the April 21st council meeting, the Fact Finder's Report was rejected. In May, after discussions with the City Council and the Attorney, we wanted to allow the UWUA a final opportunity to have a collective bargaining agreement for their employees in the City of Canfield. We then engaged in post fact finding mediation, in June, July and the most recent communications as yesterday on the ongoing post fact finders' mediation. So, the short answer is, the Utility Workers Union of America is the selected representation of our Public Works Laborer Operators within our Public Works Department for matters related to collective bargaining.

MR. TIECHE: In essence, we're saying that as a result of not being able to reach some sort of an agreement through whatever procedures, now they decided they want to change our Charter.

MR. MORVAY: It's the old adage. If it looks like a duck, quacks like a duck and walks like a duck- it's a duck. I have a question. Mr. Matt Warren, have you had any discussion with him? He sent me a letter telling me that he's going to be on the ballot. Who is this fellow?

MR. CALHOUN: Other than on the petitions or the letter, his name and address, I have had no communication with Matt Warren, at any capacity.

MR. MORVAY: There was another fellow, a Jonathan Brodzinski. He doesn't even live in the city, right?

MR. CALHOUN: No, I believe the address that was submitted is a Canfield, Ohio address, however the Leffingwell Road address is actually in Ellsworth.

MR. MORVAY: Council any questions? Hearing none. At this time, I'll open it up to the public.

CHRISTINE OLIVER: Christine Oliver, 50 Oak Tree Drive. I would like to address this because, in August my husband and I were out back at our fire pit enjoying the evening when we heard our Ring Doorbell go off. So, I went out front and a gentleman came over to me with a clipboard. He said, he was circulating petitions for the City of Canfield. I said, okay and I said, well, what is that? He said, the first one is to change council terms from 4 years to 2 years. I said, first of all, I will never sign that. I said, I was a council member and in 2-year terms you can never accomplish anything. You need the 4-year terms. You're too busy focusing on running again, if it's two years and you're not serving the citizens of our community properly. That was actually the second one, I'm sorry. The first one was using Funds from the city taxpayers' dollars to fund for political purposes. I immediately said, hold on here, we don't live in Youngstown, Ohio. I said, I can tell you right now that the city does not use funds from their taxpayer dollars for political purposes in our city, period. Then at this time, the second one which was the 4 year to 2-year terms, my husband comes up and I brief him on the two things, the first thing he said was, no you can't have 2-year terms and then he said, no they don't do that. This was the best part, I feel that we were fraudulently duped by the gentleman in our driveway who lied to us, he said, did you know that as it stands right now in Canfield, your City Manager can be fired by the Mayor, he holds all the power to get rid of your City Manager. I was like, no, I didn't know that. Did they change something since I was here? I have no idea. He said, yes, that's how it is right now. So, this petition is so that the people who vote in Canfield can make sure that, that doesn't happen. My husband said, we'll that's something I would sign. I said, where does it say that. He showed us this one page that basically showed the Mayor could get rid of our City Manager no matter who it is. We thought, that's not right. What if you have a Mayor that doesn't like the City Manager. Now, he has the power to remove someone because he or she might not like him. We didn't think that was right. That was the only reason who we signed this. We don't think anything of it. Fast forward, we end up finding out that the person standing in our driveway who said he was representing a city resident and he was here from Columbus. That's all he told us. He didn't tell us he was a union member or anything else. We ended up finding out that the person who was standing in our driveway was actually representing a union out of Tennessee, who has an axe to grind with our city manager because they didn't get their way in their negotiations. We feel that, that was fraudulent. I reported it to everyone of our news channels, immediately. Then I also called the Board of Elections over it. I can tell you there was reprehensible behavior and as sure as I stand here today, I am going to stand at the Old North Church on Election Day from the moment those polls open to until they close. I already have someone who is going to stand at the Metroparks and we're going to tell every single resident in Canfield that is there to vote, exactly what that amendment was all about and it was not the City of Canfield wanting to do that, it's about an axe to grind. I feel that, it's very unfortunate that someone would represent themselves or I should say, misrepresent themselves, and act like they were doing something for our community, when they clearly are not. I'll see you on Election Day. Thank you very much.

MR. MORVAY: Thanks Christine. Anybody else? Mr. Micchia.

MR. FRANK MICCHIA: Good evening, Frank Micchia, 220 Glenview. John, I'm not sure if I was good, bad or indifferent collecting signatures when we did the first go-around of term limits, I was unaware that I needed so few signatures. I got 500 or 600 and wore out some shoes. Anyway, when the first two-year term limit was proposed the city fathers threw everything that they had at the polls against this amendment but it passed. Subsequently, there was another election where 4-year term limits were passed by 40 or 50 votes, something like that. I don't make no bones about it, I'm in favor of two-year term limits. It gives the voters a chance to renew who sits in this position. I would encourage the citizens to vote for 2 years. Term limits are a very popular item now in the political arena. We've seen what long terms have done to some of our politicians. Here we're sitting with 4-year terms with a maximum of 16 years. It sounds like Congress to me. Once again, I think 2-year terms are good. I hear the story that it takes a long time to get accustomed to the position. If it takes you 2 years to get accustomed to the position, you shouldn't be there. If you can't be up and running in a couple of months, if you're unaware of what's going on in the City, if you can't use good judgement, financial judgement, you shouldn't be sitting up there. I would encourage anyone to vote for 2 years, thank you.

MR. MORVAY: Frank, I don't disagree with you on term limits, that's fine. If you don't think that we already have the right to vote somebody out if they're not doing a good job. But our circumstance here, and I've worked with many people and we don't see eye-to-eye a lot of times. But, I can tell you, these gentlemen up here, are committed to the City. It isn't pay. We don't get health insurance. We don't get paid. We get \$100.00 or \$200.00 a meeting or whatever it is. It's menial. We don't do it because of that. We do it because we love the city and we're giving back. That differentiates us from a Congressman or a Senator who has financial gain. The other thing is, I always bring up the point about Andy Skrobola. This man was brilliant. Christine could attest to that. Financially, there was nobody greater. He taught me how to read financial statements. He was a CFO of Thomas Steel. We gave me \$100.00 a meeting to be here, to help us out and we had to get rid of him. That's my argument. I think voters are smart enough, if we aren't doing our job, get us out of here. You have that right. Nothing wrong with term limits, I can go along with that. I think it's wrong that an outside entity could come in, so easily and get 160 signatures, put it on our ballot, I have to vote for it. It's going to destroy the integrity and the fabric of our Constitution our Charter of the City of Canfield. My opinion.

MR. MICCHIA: There is no debate that you gentlemen are here to do a good job for the city. That doesn't mean anybody coming in every 2 years could not do as good a job. In the end, the voters will decide.

MR. TIECHE: Frank, I probably worked for local government longer than anybody that's in this room. I worked in two different communities in particular. I have yet to see a member of City Council who was elected to a 4-year term, who had a good grasp of things, at the end of the 4-

year term. I take exception to your 2-year terms. Whether that's because you get people in here that have other lives to live and that's not the sole job that they're doing. But whatever. In my experience, two-year terms are way too short.

MR. NACARATO: I'll piggy tail off of that. I agree with him on that for the simple fact that Frank, you know me, you know we well enough to know that I love this City. I don't do this for money. I do this because I love the city. But, in the 2 years I've been on Council, there are things that still go on that I'm like, what are they talking about. It's a learning process. It's a lot to learn. I can't imagine me sitting here, I'd be more worried about running for re-election at this point right now, than I would be about doing what's right for the City. I'd have to concern myself with that. I spent my first-year learning and my second-year rerunning, is what a 2 year does. There again, I agree with John, this group here is a great group of people. We don't always see eye-to-eye. But we all have what is the best interest for this community and we all love this community and that's why we're all here.

MR. MICCHIA: There may be many people who will be sitting there in the future who will feel the same.

MR. TIECHE: One other item, in 1968 Canfield went to the Charter form of government with 4-year terms. Prior to that, I happened to work for the city prior to that. It seemed like every two years you were constantly in a political battle. As an employee, you didn't know who to talk to because you didn't know whether your job was in jeopardy or not because of the two-year terms. Again, 4-year terms give consistency to the overall operation, in my view.

MR. MICCHIA: We now have 4-year terms, 4 times.

MR. TIECHE: I won't argue with you in modifying that 16-year term to a term limit of maybe 3 terms for 12, or something like that. But two years vs. four years, four years in my opinion is the way to go.

MR. MICCHIA: I appreciate your comments. The voters will decide.

MR. DON DRAGISH: Don Dragish, 150 Brookpark. It's kind of frustrating, sitting here. First of all, I used to be up there. I was the President of Council years ago. I'm not any longer but I'm coming back. It amazes me that an outside person from Nashville, Tennessee, I just met you, I don't know you. This is our community. This is where we live. This is where our kids are. This is where we go to church. All our friends are here. For somebody from out of town to come in to change them, it's either 2 year to 4 year, that here nor there. I agree with them also. I'm not saying that in terms that I want to be there forever either but you need a period of time to understand this position to get things right. Every one of these people up there, like John said, and I agree with him, might not see eye-to-eye with every single person up there. I didn't see eye-to-eye with everyone when I was there, on every possible thing. But you make the right decisions for Canfield and I can't see that a union member that's, I don't know the situation but from what I can read and what I see, holding a grudge against somebody because they can't

manipulate them, like people are manipulating this whole world today. It blows my mind. First of all, I helped hire him, my name is on it. I think he's doing a great job in the city. Anyway, that's where I stand from. I'd like to keep Canfield, Canfield, I think the community of Canfield the way it is, it's a wonderful place to raise a family. Don Dragish for Mayor.

NANCY BRUNDAGE: Nancy Brundage, 64 Winona.

MR. NACARATO: It's nice to see you back here, Nancy.

NANCY BRUNDAGE: I have not really been gone. I've been on my little iPad the whole time. I have not missed one meeting in the past 18 months that I haven't been here. It has been a rough time. I will not be voting for any of these. I could not believe it either when I first heard that they were coming. The fact that, I hate to say this Wade, but I think if you went around to a lot of people in the city and you said, what do you think of Wade Calhoun? They'd say, who? They would not even know who you were. I'm sorry. Even though, we share a birthday, I still think you're really great. Not the same year. I am not happy with the way this has all gone down either. I feel terrible that anybody could come in here and try to do anything they want to our city; which is such a great little town. There has to be a big campaign of some kind to let the public know what is going on. The majority, I don't think will know. They can look at something and say, oh, one person could do that. Well, we all know that's not true. As I said, I wish something like this could not be done and I don't know whether Mark, if anything could be changed, so people from out of town who has no connections at all to the city can change things in our community. I don't know whether we can pass anything or do anything but I hope you would research it and see if there is, so we can do it, so this would not happen again. Thank you.

MR. MORVAY: Thank you, Nancy.

MR. BROOKS: Mark Brooks, from Nashville, Tennessee. I'm going to speak briefly because I'm a little bit astonished at some of the bashing that Council and Mr. Calhoun made against your city employees. It's true that I happen to live in Nashville but my organization exists all over this country; including 30 members here that live in Canfield.

MR. TIECHE: There are 30 members of your union that live in Canfield, Ohio?

MR. BROOKS: Yes. Members, retirees, none of them work for the City of Canfield but people have a right to vote. People have a right to speak out.

MR. TIECHE: No question about that.

MR. BROOKS: People have a right to exercise their rights under the Constitution, if they choose to amend the city charter. Let me finish.

MR. TIECHE: No question about that.

MR. BROOKS: Excellent. Let me speak, for a moment, this question of us being outsiders, Council and Mr. Calhoun seem to think that this is personal, it's really not. The 6 members that we represent in this City, give night and day delivering services to the residents of this town. They deserve to be respected. I'm astonished that council would show them that kind of disrespect because they may not be voters but they work here night and day to deliver quality services to your members. They have an interest and a stake of what happens in this community. Second of all, I'm surprised that council would bash Mr. Matthew Warren who is a voter of yours, a resident, a loyal person, he is the Chairman of the Committee that circulated, that sponsored these petitions. He has every right to do that. He is a voter, he should not be disrespected.

MR. MORVAY: Is he here this evening?

MR. BROOKS: No, he is not. He works. Every single person who signed these petitions is a voter and a resident of the City of Canfield. I make no apologies for standing up for our members. I do want to address this misconception that this is only sour grapes because of contract negotiations. I told Council when I first appeared that it's not going to make any difference what happens with the contract negotiations. I'm not involved in that. You could settle tonight and we would still support these Charter Amendments. We support the charter amendments because we think they're good ideas. Ultimately, the voters are going to decide. It's not going to be me, it's going to be the voters of this town to decide if they're good ideas or bad ideas. I'll just very quickly say that, I can speak to one in particular, to correct some misinformation I was given tonight. It is not a fact that the city does not spend taxpayer dollars promoting what are essentially issues that should be left to the voters. It is a fact. When your city manager learned that we were supporting citizens who want to support charter amendments, your city manager called our members into a meeting on city time and threatened to fire them all.

MR. CALHOUN: Not true.

MR. BROOKS: We can debate the....

MR. CALHOUN: I'm not debating.

MR. BROOKS: We'll litigate the facts if you insist. We were told reliably and proven that they were threaten to be fired because they supported their union and their union supported Charter Amendments. That was on city time, taxpayer expense. Then our members were called into another meeting on city time where a group of police officers ...

MR. MORVAY: Mr. Brooks, not to interrupt you but we try to hold this to 3 minutes.

MR. BROOKS: I'll finish in 5 seconds.

MR. MORVAY: Thank you.

MR. BROOKS: The second example, our members were subjected, on city expense, from uniformed police officers telling them why this is a bad idea. We think that's an abuse of city resources, we think it should be illegal, it certainly should be contrary to the Charter. So, tonight, your duty, as pointed out is simply to decide whether or not to send this to the voters, as you have a duty and it will up to the voters to decide. Thank you.

MR. CALHOUN: Can I ask Mr. Brooks a couple of questions?

MR. MORVAY: Absolutely, Wade.

MR. CALHOUN: Mr. Brooks, do you mind?

MR. BROOKS: Mind what?

MR. CALHOUN: If I ask you a couple of questions.

MR. BROOKS: I'm not here to be cross examined, sir. I've been told that my time is up.

MR. CALHOUN: I'm not an Attorney. You don't have to worry about that.

MR. BROOKS: I'm not worried about it. Sure, ask the question.

MR. CALHOUN: So, being from Nashville, you probably aren't familiar with the State of Ohio. There are 65 Charter cities in the State of Ohio, that operate much like the City of Canfield does. Council members serve 4 year terms and they have appointed city managers. Is it fair to say that you or the organization that you represent may not have a desired interest to initiate a change in all 65 of those cities? For whatever reason.

MR. BROOKS: I'm not going to waste council's time debating with you, sir.

MR. CALHOUN: I'm not debating.

MR. BROOKS: We have tens of thousands of members across this state, including here in Canfield. Our attention to the 4-year vs 2-year term, I'm going to say that people can differ about that, we respect that. This became of interest to us because the voters of this town supported that by 58%, just a few years ago. They decided that 2 years was better than 4 years. City Council didn't like that. As soon as they got a chance, they submitted another vote to the people; which barely passed, to return it to 4 years. We think the citizens of this town got it right the first time. The majority of people think that 2 years is more appropriate than 4 years. So, we'll see you at the polls.

MR. CALHOUN: Is it fair to say then, because you're not from what I'm surmising, doing this in any other cities that you have representation in, in the State of Ohio. Is that correct?

MR. BROOKS: Sir, I'm not going to debate with you.

MR. CALHOUN: I'm not debating. I asked if I could ask you a question.

MR. BROOKS: This is not a forum, sir.

MR. CALHOUN: Okay, I'll surmise that to mean, no. The intention when you joined us back on June 2nd, was that you and your organization that you represent engages in the communities that you have representation in. How many communities in the State of Ohio do you have representation in?

MR. BROOKS: I think you're wasting everybody's time sir.

MR. CALHOUN: I can tell you the answer it's 13.

MR. BROOKS: Pardon me?

MR. CALHOUN: 13. You have served contracts on file for 13 public entities in the State of Ohio. Of those 13, there are 5 that are cities. The City of Cleveland- are you or your organization active in this community? Are you proposing any sort of initiatives that you're proposing in Canfield in the City of Cleveland?

MR. BROOKS: We're a small organization.

MR. CALHOUN: Okay, we'll go small. City of Salem. Our neighbor right down in Columbiana County. You have representation there. Are you initiating change to Charter Amendments in the City of Salem?

MR. BROOKS: You're filibustering, sir.

MR. CALHOUN: We're not Congress.

MR. BROOKS: You are wasting our time. We engage

MR. CALHOUN: The City of Hudson is a city very similar to the City of Canfield, has a Charter form of government, Council/Manager form of government, four-year terms for Council Members and an appointed City Manager. Their section for removal of City Manager is very similar to ours. How long have you been in the City of Hudson?

MR. BROOKS: I think you're wasting everybody's time.

MR. CALHOUN: At any point in time, in your organization's representation of the City of Hudson, have you proposed Charter Amendments of this kind?

MR. BROOKS: Mr. Calhoun.....

MR. CALHOUN: If you haven't, I think everybody in this community, in this room tonight, is begging to know the answer to the question, why Canfield? If you're not doing this in the form of good government, and the policy by the UWUA is engaging in good government, why only in Canfield?

MR. BROOKS: Sir, we don't apologize ever, for standing up for our members when we believe they're being taken advantage of. Calling a group of workers into a meeting, threatening to fire them because they support their union.

MR. CALHOUN: That is not true.

MR. BROOKS: Yeah, you said that. Threatening to fire them because they support their union and their union supports good government, ...

MR. CALHOUN: The discussion at that meeting was centered around the impact that the Charter Amendment would have on the operations of the City.

MR. BROOKS: Do you want to talk over me or do you want me to answer the question?

MR. CALHOUN: I can talk over you because you didn't answer the questions that I think this community needs to know the answers too.

MR. BROOKS: When we believe that our members have been taken advantage of, we do pay more attention to that community. I told Council, when we represent workers in a community, we become a part of the community. We also reach out to voters, to see what their concerns are and we'll speak up, for their interest as well, that's what we do. We're the Utility Workers Union of America. I'm not going to speak to Salem, I'm not going to speak to Cleveland, we proudly represent workers all across this state, in both the private and the public sector. For tonight's purposes, it will be up to the voters of Canfield to decide on the merits, whether these are good or bad.

MR. CALHOUN: I agree.

MR. BROOKS: Your attack on the Union, your attack on your employees, I find offensive and I won't speak to it anymore.

MR. CALHOUN: Throughout negotiations we have provided a very lucrative first contract proposal to the 6 members that the UWUA represents. They rival the police contract that has been installed in this city for 20 years. So, some of the claims again, that will be litigated of what your union and who you represent are claiming against the city are just unwarranted. I think this community needs to be informed and educated on, I guess circumstances that

surround the initial Charter Amendment and then what subsequently warranted the second Charter Amendment and now the third Charter Amendment. From the timelines, that these initiatives, as we've been engaged, or you've been engaged in the City of Canfield over the last 3 years, did not take place until after this City Council rejected a Fact Finder's Report. That's when you as representative of UWUA engaged in this city.

DON DRAGISH: I don't understand the connection between a union and voting. That blows my mind. I don't understand where the voting in 2 years, 4 years comes involved with anything with unions and representing unions.

MR. CALHOUN: It shouldn't.

DON DRAGISH: That's what I'm questioning.

MR. BROOKS: Council President, can I point out that the only party that has brought up these negotiations has been Mr. Calhoun. We didn't bring it up. I think this council meeting is getting out of hand because you're allowing your staff person to filibuster about things that are completely irrelevant to the business at hand before you.

MR. MORVAY: He asked to ask you a question and he did. I would like to ask a question to either you or Wade. Who is Matt Warren? Where is he at? Have you had discussion with him? Have you had discussion with him? What's his view with this whole thing? And Johnathan Brodzinski, maybe we should talk to those people.

MR. BROOKS: Feel free to. I encourage you to. I'm astonished that you continue to question Matt's loyalty to the City. He's a citizen, he's a voter, he lives here, he supports these proposed Charter Amendments.

MR. MORVAY: I find it interesting because I've never even seen Matt Warren or Johnathan Brodzinski in this chamber, ever, ever, ever.

MR. BROOKS: Very few people come to city council meetings. We all have a right to a voice and a vote.

MR. MORVAY: My opinion is, I feel that they really don't have an interest in this but you do because of everything that's happened. I'm sorry, that negotiations didn't go but we need to move on. Any other questions or concerns?

MR. FRANK MICCHIA: Frank Micchia, 220 Glenview. It's my understanding that comments in regard to an issue on the floor is limited to 3 minutes. It's also my understanding that this is not a forum for a debate. It's a chance for citizens to get up and make a comment. Why is this turning into a debate? Thank you.

MR. MORVAY: I think the reason it turned into a debate Frank is because number 1, I really wanted to know where the motives were behind these initiatives. I want the citizens to understand that. That's why. Any other questions?

MR. DUFFETT: I just want to make a comment. I think our city has been served very well by this Charter for a number of years and we do have a good Charter. I am not in favor of these Ordinances. I think there is concern of why they were circulated and who circulated them. I am not in favor of any of these three.

MR. MORVAY: Thank you, Mayor.

MR. NEFF: May I make a comment?

MR. MORVAY: Yes, sir.

MR. NEFF: First, I want to apologize for being late. It was unavoidable. But we are a democracy and I don't think that we can see one person come in and change our Charter. If this goes on the ballot, it's up to the voters. I don't know whether we have time to adjust this but we have a problem that we don't have, what's the right term for term progression, we're all up at the same time. So, we should have done that in the last Charter Review. If we're going to put this on the ballot, I don't know whether.....

ATTY. FORTUNATO: You can't change this now.

MR. TIECHE: With 2-year terms, you're not going to be able to do a staggered.

MR. MORVAY: It doesn't matter.

ATTY. FORTUNATO: You know your statutory duty. I've explained that to you, right. So, whether you're for them, against them, advocate them, or don't advocate them, and you can do what you want to do in terms of educating the community. But the Ohio Constitution says, that you shall submit these to the electorate.

MR. MORVAY: Gentleman, anything?

MR. DUFFETT: Back to what we're voting on.

ATTY. FORTUNATO: We're voting on A.

MR. DUFFETT: Based on the advice of our Municipal Attorney, I'm voting yes but I'm not for this.

ROLL CALL ON ORDINANCE:

4 Votes-Yes
0 Votes-No
1 Abstention (Mr. Tieche)
Ordinance passes.
Ordinance 2021-46.

ITEM B: An Ordinance Providing that a Charter Amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular municipal election to be held on November 2, 2021, pursuant to Section 11.09 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio (Section 11.09).

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Ordinance and Authorize Adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Ordinance and authorize reading by title only.

MR. NEFF: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. NEFF: I have an Ordinance providing that a Charter Amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular municipal election to be held on November 2, 2021, pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio. (Section 11.09). I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, can you give us an understanding of this Ordinance, please?

MR. CALHOUN: Sure, so, same explanation as the first one, in terms of description. Jumping down to what the Charter Amendment is, the verbiage. Section 11.09, adding a new section to the Charter for restriction on use of municipal resources for improper purposes , primarily dealing with no manager or managerial employee of the municipality may use or authorize the

use of any funds or resources of the municipality including staff time, compensated by the municipality for the purpose of supporting or opposing the nomination or election of any candidate for elected office, any levy, initiative, referendum, or Charter amendment, or any petition to place before the electors any initiative, referendum, recall, or Charter amendment. Then any action by, what they are defining as a managerial employee, to restrain, coerce, intimidate, or direct any employee of the Municipality to further any of the foregoing shall be considered a violation of this section. Then it sets forth the process for a charge of the violation of this section.

MR. MORVAY: So, it doesn't apply to every employee, just managerial?

MR. CALHOUN: Correct, for this Charter Amendment only contemplates managerial employees, not every employee in the City of Canfield.

MR. TIECHE: Who would bring charges against the managerial employee to discern whether or not they have used time appropriately?

ATTY. FORTUNATO: Other members of council, another employee, law director.

MR. TIECHE: Who is the judiciary body that makes the final determination?

ATTY. FORTUNATO: Council

MR. TIECHE: Council would be the final determination.

ATTY. FORTUNATO: This is pretty much Ohio Law anyway.

MR. NACARATO: I'm new and young at this but isn't this a state law already?

ATTY. FORTUNATO: Yes. It's pretty much the law.

MR. CALHOUN: There are various state laws that deal with the improper use of municipal resources by any public employee.

MR. TIECHE: Don't the State Auditor's Office do that as part of their audit?

ATTY. FORTUNATO: Yes.

MR. MORVAY: Just for the record, this was initiated by UWUA.

MR. CALHOUN: So, same explanation, the petitions were delivered to the City by Mark Brooks, the circulation was done by Mr. Chris Hughes from Columbus, Ohio and the representative for the petitioners is city resident Matthew Warren and Ellsworth resident, Jonathan Brodzinski.

MR. MORVAY: Thank you, Wade. Council question?

MR. TIECHE: Can the employees be terminated under this?

ATTY. FORTUNATO: They forfeit their position and are ineligible for any employment for a period of 5 years.

MR. TIECHE: Who is the authority that fires them?

ATTY. FORTUNATO: Council.

MR. TIECHE: Council has no authority under our Charter to fire.

ATTY. FORTUNATO: City Manager.

MR. TIECHE: If it's the city manager, then council?

ATTY. FORTUNATO: Council.

MR. TIECHE: So, you have conflict in this section.

ATTY. FORTUNATO: Council can fire the city manager, terminate the employment of the city manager. The City Manager can terminate other employees.

MR. TIECHE: Is the City Manger then the arbitrator with regard to determining whether or not

ATTY. FORTUNATO: Well, I think it would be the City Manager along with the Law Director.

MR. TIECHE: City Council is not involved in this process?

ATTY. FORTUNATO: Not in this process.

MR. DUFFETT: But you're recommending because of the required number of signatures that this should go forward.

ATTY. FORTUNATO: Yes, the submission complies with the requirements of the Constitution and our Charter by reference. Same situation, you shall submit. You can educate the community about your advocacy or non-advocacy.

MR. TIECHE: Would this preclude us from supporting the police levy and doing informational meetings? I'm sure we would be doing this for a police levy.

ATTY. FORTUNATO: Supporting or opposing the nomination or election for any candidate for elected office, any levy, initiative, referendum, or Charter Amendment, or any petition placed before the electors.

MR. TIECHE: So, then we could not support any of our levies.

ATTY. FORTUNATO: You can't use or authorize the use of funds or resources. You can get out there and

DON DRAGISH: You can say what you want to say but you can't support it financially.

MR. TIECHE: I understand we can say what we want to say. But if we're going to conduct a public meeting and we got employees here for a public meeting to disperse information, then they're getting paid for that time period and then we're using monies in that purpose.

ATTY. FORTUNATO: That's educational. I don't think that would be advocating. Educating is not supporting or opposing.

MR. TIECHE: Again, who brings those charges and how do you

ATTY. FORTUNATO: I'm not saying this is a good idea. I'm not saying it's a good Charter Amendment.

MR. TIECHE: We have a State Auditor who is doing audits on those kinds of things and they find that, isn't that a redundancy?

MR. DRAGISH: What happens if this doesn't pass?

MR. TIECHE: Continue business as usual.

MR. DRAGISH: No, I mean tonight.

ATTY. FORTUNATO: Petitioners have options.

MR. TIECHE: Mark is saying that we don't have any authority to not pass it.

ATTY. FORTUNATO: If you chose not to, petitioners would have a variety of options. None of which I want to discuss.

MR. MORVAY: Public questions, concerns?

MR. BROOKS: I'll speak very briefly to the (inaudible) because there seems to be some confusion. The Charter already provides that any employee that engages in some fiscal conflict of interest forfeits their job. This is patterned after that. I agree with some of the comments

that were made here, a lot of what we saw happen last month is illegal under Ohio Law. You certainly can't spend money to campaign for a levy. You can speak your opinions, private individuals and this doesn't change that. What we see missing from the Charter apparently is a very explicit statement. For example, hypothetically, calling in a group of people and threatening to fire them if they don't persuade their union not to engage in proposals to amend the charter, that should be misconduct under this Charter. That's all we're saying. Because there should be some process of due process, we copied over the procedure for charge against the city manager and incorporated them into other managerial employees. It would be Council that had the final say. There is a system of due process. If the Council would decide that someone has abused public resources for improper purposes, then the Council would impose the appropriate discipline as provided by the Charter. That's all. It's a question of trying to stop abuse of public resources and providing due process in the event. By the way, the managerial employees are the one's you want to be the most concerned about. Your hourly employees are not someone who can abuse city resources for improper purposes.

MR. TIECHE: Council doesn't have the power to fire any employee, only the City Manager.

MR. BROOKS: Only the City Manager.

ATTY. FORTUNATO: But this section says, the procedure for the removal of a managerial employee charged with violating this section shall be the same procedure as in the case of removal of the Manager by the City Council. It changes.

MR. BROOKS: There has to be some due process. That's the process that was already in the Charter that we recommended. Everybody else reports to the City Manager. Council can fire the city manager, everybody else reports to the city manager. In this case, if you abuse public resources.

ATTY. FORTUNATO: Until we talk about the next proposed initiative. Mr. Brooks has submitted a petition that would discuss how the city manager could be removed by a vote of the electors. Let's focus on this one. Again, same situation legally. The Charter Amendment is submitted with the right number of signatures, etc. If Mr. Brooks submitted a Charter Amendment that said you all had to ride a donkey and drink whiskey before you sat down, you'd have to pass that too.

MR. MORVAY: Just for the record, Mr. Brooks, these negotiations have been going on for 3 years and now this. Not once did I sit with Wade Calhoun and he ever tell me that he was going to fire somebody because of the negotiations. Never, ever. I'll sit here and I'll tell you that. Whatever you think you heard, you heard, or somebody heard, I don't know but I can speak to that.

MR. BROOKS: Can I have 30 seconds with that?

MR. MORVAY: I don't care.

MR. BROOKS: We have an email that Mr. Calhoun sent to each of you confirming what he did in the meeting. It's on the website, canfieldreform.com. He said, explicitly he had a meeting with our members; which he made clear to them that because their union (I'm paraphrasing) is supporting charter amendments was a violation of your honors code; which is a clear threat. You have it in black and white, sir. It's not from me. It's in black and white from your city manager he threatened to discipline our members because of the UWUA's perceived role in this process.

MR. MORVAY: Is that semantics, discipline or fire? Is that the same word? Does it say fire?

MR. BROOKS: Our point is, you shouldn't threaten employees at all because they might engage their rights under the Constitution; whether you're threatening discipline or discharge.

MR. MORVAY: Yes, but did he actually threaten them? Did he actually threaten them or was that a comment made to us?

MR. BROOKS: The employees understand that they will be held accountable for their actions, and the actions of their selected representation and that this initiative by the employees contradicts the City of Canfield's honor system manual. That's a clear threat of discipline of the employees because of their union support for something that is protected by the Ohio Constitution.

MR. MORVAY: Again, I can tell you that in no time that we had our conversations that Wade was ever saying that he was not going to put the union in. We agreed to that. The union was coming in. It was the negotiations that we were trying to get through.

MR. BROOKS: I respect that sir. I didn't bring up negotiations. But you have it in black and white, a clear threat, from your city manager, on company time, city time, sir, to city employees on city time, that they may be disciplined because of their civic activity. That is what this charter amendment speaks to. That is improper use of taxpayer money, not to mention it's unfair to the employees. Thank you, sir.

MR. MORVAY: Questions from Council? Residents? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

4 Votes-Yes

0 Votes-No

1 Abstention (Mr. Tieche)

Ordinance passes.

Ordinance 2021-47.

ITEM C: An Ordinance Providing That A Charter Amendment Shall be Submitted to the Electors of the City of Canfield for Adoption or Rejection at the Regular Municipal Election to be Held on November 2, 2021, Pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio. (Section 5.08)

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Ordinance and Authorize Adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Ordinance and authorize reading by title only.

MR. NEFF: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. DUFFETT: Mr. President, I have an Ordinance Providing that a Charter Amendment Shall be Submitted to the Electors of the City of Canfield for Adoption or Rejection at the Regular Municipal Election to be held on November 2, 2021, Pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of Ohio (Section 5.08) I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, what can you tell us about this Ordinance, please?

MR. CALHOUN: The same explanation as the first two. This adds a new section to the Charter, Section 5.08 for Removal of City Manager by the Electors. Much like the current removal process 5.07, the City Manager serves 6 months, with procedure for removal by city council in Section 5.07. What this Charter Amendment proposes and sends to the electorate is section 5.08 which allows for the removal of the City Manager by the electorate, in the same manner of for the removal of other members of council; which constitutes 25% of the voters from the preceding Mayoral Election, signing a petition to essentially get the City Manager position on a ballot for removal.

MR. MORVAY: Thank you. Council questions?

MR. NACARATO: Let me get this straight. Correct me if I'm wrong. In our Constitution already there is a section of the Charter that says, removal of the city manager is the responsibility of this electoral council that sits up here?

ATTY. FORTUNATO: That's correct. That's Section 5.07.

MR. NACARATO: What this is trying to do is to basically say, that will be taken from us and brought to the voters of the city.

ATTY. FORTUNATO: You'll still have the right under 5.07. This proposed amendment would grant that right to the citizens as well, to remove the City Manager by recall election.

MR. MORVAY: Mark, does that throw our city manager in the political arena?

MR. TIECHE: Absolutely.

ATTY. FORTUNATO: Of course. It's a horrible idea, in my opinion.

MR. MORVAY: So, I don't get my way, I go and I hire Mr. Brooks to get 169 signatures.

MR. CALHOUN: It would be a little bit more. It would be 25% of whoever voted in the preceding Mayoral Election.

MR. MORVAY: 200 signatures. I get Mr. Micchia to (inaudible).

ATTY. FORTUNATO: I suspect, that will be Mr. Brooks next move, if the ballot amendments pass, would be to then file a recall election for Mr. Calhoun. It's pretty obvious what's going on here.

MR. TIECHE: That sort of then removes the whole concept of the charter form of government from the

MR. NACARATO: I was going to say, is the next step that we're going to elect a city manager?

ATTY. FORTUNATO: It politicizes it.

MR. TIECHE: Under this procedure it does not say that we're going to elect a city manager. The problem is, you're making the city manager's job a political job. The whole concept is to remove politics from the administration of the local government in a charter form of government. You hire an appointed professional administrator to run the day-to-day operation.

MR. NACARATO: Who answers to us. Who represents the people of the city.

MR. TIECHE: Who answers to us. That's our responsibility. If he's not doing a good job, it should be our job to fire him.

ATTY. FORTUNATO: Right. It's obvious what's going on here, right? If this Charter Amendment gets passed, Mr. Brooks would be submitting petitions, I assume, very quickly with 25% of the signatures to try and recall Mr. Calhoun.

MR. TIECHE: It might be an unfair comment, but.....

ATTY. FORTUNATO: That's an unfair comment?

MR. TIECHE: Well, you're putting words in his mouth.

ATTY. FORTUNATO: (inaudible)

MR. BROOKS: We have no such intention to do that. I do think you should not put words in my mouth.

ATTY. FORTUNATO: I didn't put words in your mouth.

MR. BROOKS: I agree with Councilmen Tieche. You shouldn't put words in my mouth.

ATTY. FORTUNATO: I didn't put any words in your mouth.

MR. BROOKS: You're making assumptions about our intentions.

ATTY. FORTUNATO: I'll make any assumption I want to make.

CHIEF OF POLICE: You certainly have.

MR. BROOKS: Excuse me, I did not.

CHIEF OF POLICE: Absolutely, this is a personal attack.

MR. BROOKS: It's nothing personal about Mr. Calhoun. Twenty-five percent of the last Gubernatorial Election is a huge number. It would be very hard to do this. It would be very hard for anybody to recall a city manager. It should be that way. It should be that way because it should not ever be taken lightly. Under this proposal (I'll end quickly) City Council still has the responsibility to oversee the city manager. That's the first and foremost firewall against a bad city manager. If, for some reason, that firewall did not help, and there were enough people in this town that thought that some change had to be made, it would take 25%, it's a very huge number. It's much higher than 160.

ATTY. FORTUNATO: No question, it politicizes the city manager position by virtue of leaving the city manager employment, if council is satisfied with the city manager, that isn't enough to keep that city manager retained as city manager. Somebody can be upset with a decision that the city manager rendered regarding the placement of a shed or something as minute as that, get those signatures, and you might love your city manager but this allows that citizen and other individuals to politicize the position of city manager. Again, you have a statutory duty tonight to put it on the ballot. But that's what this does.

DON DRAGISH: Don Dragish, 150 Brookpark. Again, there is already a council that can do this. If that would even get to the point, you're saying put a firewall, if we needed a firewall and something was to get to that point, I'm sure the citizens of Canfield would step up and do what they needed to do. They voted for all these people to come in here. For you to put this on there, to be honest with you, now is the first time I'm hearing about this, out of all of them, this is the most, low-blow that you did out of all of them, specifically to him. For you to sit there and say it's not personal. That's directly towards him.

CHIEF OF POLICE: 100%.

DON DRAGISH: This is the most personal attack against him. You're going to sit there and say, don't put words in my mouth. Well, how could you not. You can honestly say, that you think that everybody in this room thinks that you're not going to go and do that if this passes.

MR. CALHOUN: Donny, I believe our community will come together.

DON DRAGISH: Thank you. Don Dragish for Mayor.

MR. BROOKS: This would apply to any city manager no matter who he/she might be. Seven hundred signatures on a petition is very difficult. We have no intention of trying to do that.

MR. CALHOUN: Bless your heart, Mr. Brooks.

MR. MORVAY: I personally think this takes our city manager into the political arena. He or she could not do their job subjectively. I strongly am going to oppose this.

MR. NACARATO: I agree with you John.

MR. MORVAY: Anybody else? Mr. Micchia.

MR. FRANK MICCHIA: Frank Micchia, 220 Glenview. We've had some interesting discussion tonight. It's about time we wind it up. There have been good points made all over. I like Mr. Fortunato's last remark about the golf cart and the whiskey. I need the whiskey right now.

ATTY. FORTUNATO: It was a donkey.

MR. MORVAY: Patty, can you call for the vote, please?

MR. DUFFETT: Based on our Municipal Attorney that we have to vote yes, I'm against this but I'm voting yes because of the signatures.

MR. MORVAY: I do not endorse any of these but I have to vote yes.

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	1 Abstention (Mr. Tieche)
	Ordinance passes
	Ordinance 2021-48.

ITEM D: An Ordinance Creating a Millennial Moments Joint Economic Development District Agency Fund.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Ordinance and Authorize Adoption of the same upon its first reading.

MR. TIECHE: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Ordinance and authorize reading by title only.

MR. NACARATO: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. NACARATO: Mr. President, I have an Ordinance Creating a Millennial Moments Joint Economic Development District Agency Fund. I move for passage.

MR. DUFFETT: Second.

MR MORVAY: Wade, why do we need this fund, please.

MR. CALHOUN: So, as you know, the Millennial Moments Joint Economic District, Millennial Moments JEDD, our cooperative agreement with Canfield Township, as part of the funds that will be received by the City of Canfield, so we receive any income that's earned or a resident of the JEDD earns, comes to the City of Canfield and is subject to the 1% city income tax. So, per the guidance of the State Auditor's of the State of Ohio, all those funds must be treated separately and not co-mingled with the General Fund. So, this creates the Fund, in which Christine and our finance department can account for all of the revenue and any such expenses that are generated in and out of the Millennial Moments JEDD.

MR. MORVAY: Council questions? Resident questions? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes
0 Votes-No
Ordinance passes.
Ordinance 2021-49

ITEM E: An Ordinance Authorizing Change Order Number 2 for S.E.T. Inc. (Millennial Moments Waterline Extension).

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Ordinance and Authorize Adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Ordinance and authorize reading by title only.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. TIECHE: Mr. President, I have an Ordinance authorizing change order number 2 for S.E.T., Inc. (Millennial Moments Waterline Extension). I move for passage.

MR. NEFF: Second.

MR. MORVAY: Wade, this change order, please.

MR. CALHOUN: As council recalls at the previous meeting on August 18th, we authorized change order number 1 for S.E.T. Inc. the contractor performing the Millennial Moments waterline extension for the City of Canfield. As a result of that change order they ran into a couple of other obstacles, additional materials and work were needed to be performed and most notably the boring pits to extend the waterline underneath Palmyra Rd, had to be relocated, ran into some configurations, lining up some additional materials and supplies, were warranted. This change order authorizes the modification of \$6, 087.65, on top of change order number 1; which was just under \$14, 000. So, from the original bid, plus the two change orders, the final cost of this project; which this is the final change order, we have final quantities included in this change order, which change order 2 reduces some of the amounts in change order 1 but then adds in additional items into change order 2. The total expense for the project is \$120, 645.60. So, this Ordinance authorizes change order number 2 with the final quantities to close out the project.

MR. MORVAY: Council questions?

MR. NEFF: That last figure you just mentioned, \$120, 000?

MR. CALHOUN: Correct.

MR. NEFF: How does that jive with our paperwork that says \$100,000?

MR. CALHOUN: So, the original bid that was awarded was \$100,000. Change order number 1 on August 18th, was \$13,885, I believe and change order 2 is \$6,087.00.

MR. NEFF: Thank you.

MR. MORVAY: Residents questions? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-50

Under Council Comments:

MR. TIECHE: First of all, now that this whole charter amendment thing is out of the way, I would like to suggest to the attorney that we look at modifying our charter by amending our charter, to change the charter Article 18, Section 9, is no longer applicable to the City of Canfield and go back to requiring electors of the city to initiate charter amendments, circulate petitions for charter amendments , and attest to the signatures of those on the petitions.

MR. NEFF: Yes, I, want to take the opportunity to make a Motion. I got a dumbfounded look Mark, but I propose that we set up a Pickleball Day on September 25th. Mr. Archer has been a huge asset to our community to bring this sport to Greasel Park. It's been very successful. He's available to have a clinic. I'm proposing that we declare September 25, 2021 Canfield Community Pickleball Day. I apologize for being late and not getting that on the agenda. Mark should I ask for a second?

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes

MR. CALHOUN: Procedurally will there be a Mayoral Proclamation for the Pickleball Day?

MR. NEFF: Yes.

MR. CALHOUN: We can work with Mr. Archer, if we're involving any activities that day, or a day in close proximity to that. We can make that happen.

MR. NEFF: Rich, I apologize for not being here and not having you up first. But you've been entertained.

MR. ARCHER: Can I address Council?

MR. NEFF: Yes.

MR. ARCHER: Rich Archer, currently living in Summer Winds. My street address is kind of crazy, One for the Road. First of all, I have to tell you how much I appreciate my retirement after sitting out here and watching what you folks are doing every day for this city and although the community may not know it on a daily basis, they appreciate what you're doing, they really do. It hit me so hard sitting back here. Knowing that you don't have a choice to pass that but hearing the passion that is in your voices, for the craziness that one person can bring about with 150 signatures. It is mean spirited. I didn't know anything about it before I came here today. But, Pickleball Day in Canfield, Wade and the Council have been very, very supportive of Pickleball. Remember what I said when I first came here: If you build it, they will come. We have seen that. We had a tournament that Wade was at not too long ago, it was called Christmas in July. It was one of our first tournaments there at the park. It was a huge success. Santa Claus was even there with a number of other people that made appearances. It was a fun day. You see between 15 and 30 people at that court almost every morning. In the evenings you see people. But we can do more. A Proclamation from our Mayor and some support with Wade, we can make this even a bigger thing. I really think that Greasel is one of the diamonds in the rough. I've said that to you. It's getting more activity out there.

But I think we can do more. I think this day could help. We're planning on possibly some corporate sponsors, possibly drawing some people in. We're going to do some clinics. We're going to show people how Pickleball can change lives. It really can. Not only health wise but the thing that I've learned from Pickleball is, I've got probably 350-400 people that I now call my friend, that I didn't have. That I can call, that they can support me and I can support them. It's not just a game, it is a social activity. I think Canfield is well on its way and with this day, I think we can go that extra step. I thank you for bringing this up and I am excited about working with Wade, who has been outstanding in working with us to get this reality. Thank you.

CHIEF OF POLICE: Rich, we'll work together with you from the Police Department and through our social media to promote it. We'll partake in it. Our community and (inaudible) will come together once again. We'll get it done.

MR. ARCHER: One of the things I said to the Chief in the very beginning was, I really think that a park that is active, is a safer park. With us bringing people into there, I think it has been. I think there have been some incidents but minor incidents that would happen anyway. I think a lot of people in that park make that park a safer park. You people can make that happen. Thank you.

MR. MORVAY: I wanted to thank you for being a part of the school district and carrying us through those times. I know when you were there weren't some of the best times. Now, in your retirement, you're supporting our community, through Pickleball. I appreciate it. Thank you.

NANCY BRUNDAGE: Nancy Brundage, 64 Winona. Living across from Greasel Park, I can attest to the fact that every morning, I look out the window to get my mail and that parking lot is full. I think that is something you're going to have to consider next, as this goes on, is a bigger parking lot somewhere on that lot. Every morning clear to the street the parking lot is full.

MR. MORVAY: Thank you Nancy. Mayor any comments?

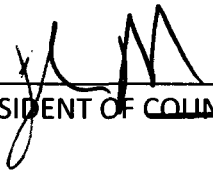
MR. DUFFETT: I think there was a lot of good discussion from Council that we like the Charter the way it is We like the city manager and what he's doing. We are not in favor of these Ordinances. I think that was pretty clear. Also, I think pickleball has already been a success and it will be another level of success. Thank you.

MR. NACARATO: Piggybacking off of what the Mayor said about these amendments, it's a sad day that we really didn't have a choice on how we really could vote on them. So, I just want to make the citizens aware that it's not in the best interest, from my opinion to pass these. I will not support them. As far as the Pickleball, I think you've done a great job with it to bring it there and I will look forward to Pickleball Day.

MR. MORVAY: My only comment is, we heard Christine speak this evening and she was on council, so she kind of knows what's going on. For her to sign a petition, that perhaps maybe if she would have read it, been educated, that she would have never even considered signing it.

So, I reach out to the citizens of Canfield and say, God darn it, get your thinking caps on. Don't be bamboozled and just go by rumor or whatever. Wake up, people, wake up. We got a city here that we're proud of and we take care of. Let's not let this happen. Read, find out what's going on and make the right decisions. That's all I have.

MR. MORVAY: This meeting is adjourned.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL